

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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CASE CLOSURES UNDER
ENFORCEMENT PRIORITY

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

The cases listed below have been evaluated under the Enforcement Priority System ("EPS") and identified as either low priority or stale. This report is submitted in order to recommend that the Commission no longer pursue these cases for the reasons noted below.

II. CASES RECOMMENDED FOR CLOSURE

A. Cases Not Warranting Further Action Relative to Other Cases Pending Before the Commission

EPS was created to identify pending cases that, due to the length of their pendency in inactive status, or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditures of resources. Central Enforcement Docket ("CED") evaluates each incoming matter using Commission-approved criteria that result in a numerical rating for each case.

Closing these cases permits the Commission to focus its limited resources on more important cases presently pending in the Enforcement docket. Based upon this review, we have identified cases that do not warrant further action relative to other pending matters. We recommend that all of these cases be closed.¹ The attachments to this report

¹ These cases are: P-MUR 385 (*Phillip R. Davis*);

contain a factual summary of each of the cases recommended for closing, the case EPS rating, the factors leading to the assignment of a low priority, and our recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources primarily because the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. EPS provides us with the means to identify those cases which, though earning a higher numerical rating, remain unassigned for a significant period due to a lack of staff resources for an effective investigation. The utility of commencing an investigation declines as these types of cases age, until they reach a point when activation of such cases would not be an efficient use of the Commission's resources.

Continued from page 1.

Media Matter);

Republican State Committee;
5162 (*American Broadcasting Co. - Media Matter*).

MUR 5104 (*Hoosiers for Roemer*);
MUR 5110 (*KBHK -*

MUR 5120 (*Hillary Rodham Clinton*);

MUR 5148 (*Nebraska*

Attached to this report is a factual summary of the complaint recommended for closing and the EPS rating for the matter.

III. RECOMMENDATIONS

We recommend that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the day that the Commission votes on the recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

1. Decline to open a MUR, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letter in:

P-MUR 385

21.04.403.4797

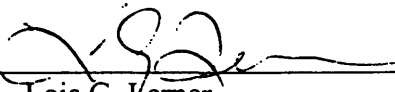
2. Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:

MUR 5104
MUR 5110

MUR 5120

MUR 5148
MUR 5162

2/1/01
Date


Lois G. Lerner
Acting General Counsel

21-04-403-4798

MUR 5104
HOOSIERS FOR ROEMER

Donald McGahn II, on behalf of the National Republican Congressional Committee, alleges that the Honorable Tim Roemer's (Roemer won Indiana's Third Congressional District general election with 52% of the vote) campaign used his congressional office resources to promote his reelection. Specifically, a member of Roemer's staff wore a campaign T-shirt while Congressman Roemer participated in a local parade. Another staffer, at the same event, held a campaign sign while a vehicle used in the parade bore the official congressional license plate belonging to Congressman Roemer. Additionally, it is alleged Congressman Roemer was using his official headquarters address as his home address indicating a personal use of campaign funds.

Congressman Roemer admitted to participating in the parade, but noted his participation was in his official capacity, as a United States Representative. The Congressman explained that the person holding the sign and the person wearing the T-shirt were not his congressional or campaign staffers. He also noted that he did list his congressional office address on his driver's license, but when he renewed his license he listed his personal address.

This matter is less significant relative to other matters pending before the Commission.